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February 13, 2019

VIA ECF

Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square, Courtroom 443  
New York, NY 10007

Re: Samit, et al. v. CBS, Inc., et al., Case No. 1:18-cv-07796-VEC

Dear Judge Caproni:

On behalf of Lead Plaintiff Construction Laborers Pension Trust for Southern California, we write to request permission of the Court to correctly refile the Amended Complaint, which was filed on the docket of this action on Monday, February 11, 2019 (ECF No. 54), pursuant to the Court's January 25, 2019 Order (ECF No. 53).

On Monday, February 11, 2019, we timely filed the Amended Complaint. At 5:00 p.m. on Tuesday, February 12, 2019, we received a "Notice to Attorney Regarding Deficient Pleading" advising us of an issue with our filing. Being unable to speak to anyone at Case Openings or the ECF Help Desk when we received the notice, we placed a call to the Case Openings Clerk to question the deficiency issues this morning. We were told that we needed to add the Lead Plaintiff to the caption of the Amended Complaint, despite the general rule prohibiting the editing of a case caption unless by instruction or permission of the Court. We used the consolidated caption (with slight modification given the removal of one defendant) the Court used in its January 25, 2019 Order allowing us to file the Amended Complaint on February 11, 2019.

The Case Openings Clerk called us back after researching the issue and said they reached out to Chambers and were told the Court was in agreement. The Case Openings clerk instructed us to request permission from Your Honor to be allowed to refile the Amended Complaint with a caption that notes the name of Lead Plaintiff either above or below the already named Plaintiffs in the caption, and not have this filing be deemed filed late.

Accordingly, we respectfully request that the Court grant Lead Plaintiff permission to refile its Amended Complaint with a corrected caption today and deem its filing as timely.

We appreciate the Court's attention to this matter and are available to answer any questions it may have.

Respectfully submitted,

/s/ Samuel H. Rudman

SAMUEL H. RUDMAN

cc: All counsel of record (via ECF)